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Attorney General, Legislators Propose Stronger Protections for Vulnerable Delawareans

Wilmington – Attorney General Beau Biden and several lawmakers unveiled legislation to protect vulnerable Delawareans in treatment facilities and group homes from sexual assault.

The bill, which the Department of Justice drafted, provides much-needed protection for the elderly and the disabled who depend upon others for their physical well being and care. This legislation makes clear that vulnerable adults – such as individuals with disabilities or the elderly – cannot consent to sexual crimes being committed against them. This legislation is similar to existing state law which provides that children younger than 12 years of age are presumed to be unable to provide consent. The legislation increases potential jail time from 8 to 15 years depending on the level of sexual contact involved or when the abuse, mistreatment or neglect results in serious physical injury to the patient.

“This bill is the latest step in our fight to protect those who cannot protect themselves,” Biden said. “We are seeking an additional asset in our toolbox to go after sexual predators who prey on vulnerable Delawareans.”

Sen. Bethany Hall-Long stated, "As a nurse, I know how important it is to help people who in many cases cannot help themselves. This bill gives patients the protections they deserve while they are being treated. It also gives law enforcement officers the tools they need to target sexual predators."

“Although we wish we lived in a society where people treated everyone with dignity and respect, there are those who exploit the vulnerable,” said Rep. Barbieri, D-Newark. “And there’s none more vulnerable than the sick and impaired. We’re introducing this legislation because these people are unable to protect themselves, so we must do what we can to help them.”

Rep. Melanie L. George, D-Bear, said government can be judged by how well it protects its most vulnerable citizens. “It’s really a shame that such a bill is even necessary,” Rep. George said. “But we have an obligation to make sure that when a loved one checks in to a nursing home or any healthcare facility, they are safe from abuse. This legislation will protect our loved ones when they are most vulnerable.”

The legislation will be sponsored by Rep. Michael Barbieri, Rep. Melanie George and Rep. Rebecca Walker in the House and Sen. Bethany Hall-Long and Sen. Margaret Rose Henry in the Senate. Rep. Barbieri and Sen. Henry chair their chambers’ respective health committees, Rep. George leads the House Judiciary Committee and Sen. Hall-Long and Rep. Walker are registered nurses. Rep. Walker is also the vice-chair of the House’s health and judiciary committees.